



November 21, 2003

Marlene S. Dortch  
Secretary  
Federal Communications Commission  
445 12<sup>th</sup> Street, NW  
Washington, DC 20554

Re: Ex Parte Presentation  
WT Docket No. 02-55

Dear Ms. Dortch:

This is to advise that on this date Lawrence A. Fineran, Vice-President, National Association of Manufacturers; Richard C. Crawford, Director, Federal Government Affairs, Coors Brewing Company; and the undersigned met with John Muleta, Chief, Wireless Telecommunications Bureau, and his staff members as noted below, regarding the above-captioned proceeding.

The NAM/MRFAC representatives addressed the points set forth in their earlier filings and in the attachment.

In addition, a copy of the NAM/MRFAC filing of yesterday's date is being furnished to Mr. Muleta and Edwin Thomas, Chief, Office of Engineering and Technology, and their staffs.

This letter is submitted for inclusion in the Docket.

Respectfully submitted,

/s/ William K. Keane

William K. Keane  
Their Counsel

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cc:

John Muleta  
David Furth  
Michael Wilhelm  
Edwin Thomas  
Jim Schlichting  
Michael Marcus  
Robert Eckert  
Salomon Satche  
Rashmi Doshi

## **800 MHz Interference**

### **The Latest Revisions to the Nextel Consensus Plan Do Not Resolve Concerns Expressed in Earlier NAM/MRFAC Comments**

- Four (or More?) Year Freeze on Additions/Modifications to B/I/LT Systems Would Harm Hundreds of NAM/MRFAC Members by Limiting Innovation, Productivity, and Security Improvements
- Five-Year Set-Aside of Channels for Public Safety Would Restrict Business Growth and Relocation Opportunities for Industrial and Business Licensees
- Cost Estimates for Re-Banding Understated
- Inadequate Assurance of Funding Could Derail Re-Tuning Mid-Stream
- Reimbursement Process Insulated from Effective Commission Oversight Risks Manipulation and Bias
- Continues to Avoid Hard Issues Associated with Border Regions

### **More Conservative Treatments Should Be Tried Before Radical Surgery**

- Commonality Between Balanced Approach and Nextel Plan Forms Basis For First Step, *e.g.*:
  - Adopt Rules Specifying Interference Correction Rights and Responsibilities
  - Adopt Complaint Procedure In The Event A Cellular Licensee Fails to Cooperate
  - Specify Time Period for Trial of Case-by-Case Solutions, *e.g.* Six Months or Less
- Provides an Opportunity for Real-World Evaluation of Less Drastic Proposals: An Ounce of Experience With This Approach Worth A Pound of Pleadings
- In the Event Step One Fails, Implement Re-Banding Along the Lines of That Proposed by Consensus Parties -- Assuming Concerns with Present Proposal Resolved